THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 25117 of 1998

Dated: 31.10.2007

Between:

P. Kotaiah

… Petitioner

AND

The Depot Manager, APSRTC Bus Depot,
Kodad, Nalgonda District & others.

… Respondents

Counsel for the petitioner : Sri B. Sudhakhar Reddy

Counsel for respondents 1 to 3: Sri T.D. Phani Kumar for
SC for APSRTC

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WRIT PETITION No. 25117 of 1998

ORDER:-

This writ petition is filed for a writ of Certiorari to quash the award dated 22.04.1998 passed by the presiding officer of the Industrial Tribunal-cum-Labour Court, Warangal (for short, 'the Labour Court') in I.D.No.172 of 1994.

The petitioner was appointed as a casual conductor in the Jangaon depot of the Andhra Pradesh State Road Transport Corporation (for short, 'the Corporation') in the year 1990. Subsequently, he was made to work in Kodad depot. While working in Kodad depot, he absented from duty without prior intimation or sanction of leave. A charge sheet was issued to the petitioner for his unauthorized absence. The petitioner failed to submit his explanation and therefore his services were terminated on 02.03.1994. Questioning the said order of termination, the petitioner raised an industrial dispute, which was registered as I.D.No.172 of 1994 by the Labour Court. The said I.D. was dismissed by the Labour Court by award dated 22.04.1998.

Heard Sri B. Sudhakhar Reddy, learned counsel for the petitioner and Sri T.D. Phani Kumar representing the learned Standing Counsel for the Corporation.

A perusal of the award passed by the Labour Court shows that two witnesses were examined on behalf of the petitioner

including himself and five witnesses were examined on behalf of the respondents.

The Labour Court, on the basis of the evidence adduced before it, came to the conclusion that the finding of unauthorized absence rendered in the domestic enquiry is supported by relevant material. It has taken note of Ex.M7, Original muster rolls, which was spoken to by Sri V.Krishnaiah, Assistant Depot Clerk, Kodad bus depot examined as MW.2 and also the evidence of MW.3, Traffic Inspector Grade-III. The Labour Court also considered Exs.M9 and M10, the attendance registers for the years 1993-94 and 1994-95 and came to the conclusion that the termination of the petitioner's services for unauthorized absence is proper. Further, the evidence on record shows that the petitioner had put in service of only 149 days and therefore he did not fall within the definition of 'workman' under Section 2-S read with Section 25-B of the Industrial Disputes Act, 1947 to maintain an industrial dispute before the Labour Court.

Since the findings arrived at by the Labour Court fall within the realm of finding of facts, the same cannot be re-appreciated in this writ petition.

Learned counsel for the petitioner in all fairness has not even adverted to the correctness or otherwise of these findings as they were not seriously controverted before the Labour Court.

For the aforementioned reasons, I do not find any error in the award of the Labour Court warranting interference of this Court under Article 226 of the Constitution of India.

The writ petition is therefore dismissed.

C.V. NAGARJUNA REDDY, J

Date: 31.10.2007
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